

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION**

GINA HUFF,

Plaintiff,

v.

SOS CHILDREN’S VILLAGES,

ILLINOIS,

Defendant.

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Case No.: 19-CV-04268

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant, SOS Children’s Villages, Illinois (“SOS”), moves this Court, under Rule 56 of the Federal Rules of Civil Procedure, to grant summary judgment in its favor on Count III of Plaintiff Gina Huff’s Complaint. Summary judgment is appropriate as there are no genuine issues of material fact as to Count III. In support of its Motion for Summary Judgment (the “Motion”), SOS states as follows:

1. Plaintiff, Gina Huff (“Plaintiff”), filed her Complaint on June 25, 2019, alleging that SOS retaliated against her when she requested leave pursuant to the Family Medical Leave Act (the “FMLA”) or attempted to interfere with her rights/benefits pursuant to the FMLA. (Dkt. No. 1.)¹ SOS denied the allegations in the Complaint.

2. Plaintiff was employed as the Director of the Chicago Villages from approximately July 20, 2017 to August 15, 2018. When Delphine Rankin, Deputy Director of Operations – Case

¹ While Plaintiff only alleged one claim for violation of the FMLA in her Complaint – Count III for “FAMILY MEDICAL LEAVE ACT,” it is unclear if it was for retaliation or interference. SOS will, in turn, address both retaliation and interference under the FMLA in its Memorandum of Law in Support of its Motion for Summary Judgment.

Management Support for SOS, became Plaintiff's direct supervisor in or around late-May/early-June 2018, she frequently found Plaintiff's performance inadequate.

3. In the months leading up to Plaintiff's termination, Rankin counseled Plaintiff in connection with her ongoing performance deficiencies.

4. In connection with said deficiencies, on August 9, 2018, Rankin and Nichole Robinson-Anyaso, former Director of Licensing and Talent Management for SOS, decided to recommend Plaintiff's termination to SOS's Chief Executive Officer, Timothy McCormick.

5. Also on August 9, 2018, Robinson-Anyaso requested that Rankin gather and provide documentation relating to Plaintiff's deficiencies, which she provided on August 13, 2018.

6. On August 13, 2018, Robinson-Anyaso recommended Plaintiff's termination to McCormick, which he approved.

7. On August 14, 2018, Plaintiff faxed a doctor's note to SOS requesting intermittent leave due to an alleged "headache syndrome."

8. On August 15, 2018, Robinson-Anyaso terminated Plaintiff's employment.

9. There is no evidence that SOS retaliated against Plaintiff in connection with her request for intermittent leave pursuant to the FMLA. There is also no evidence that SOS interfered with Plaintiff's right/benefits pursuant to the FMLA.

10. There is no evidence that Plaintiff was meeting SOS's performance expectations at the time of her termination.

11. There is no evidence that any similarly situated employee was treated dissimilarly from Plaintiff.

12. There are no genuine issues of material fact.

13. SOS submits a statement of undisputed material facts and memorandum of law in support of this Motion.

14. For the reasons set forth above, and those contained in the attached memorandum of law and statement of facts, SOS is entitled to summary judgment as to Count III of Plaintiff's Complaint.

WHEREFORE, Defendant, SOS Children's Villages, Illinois, respectfully requests that this Honorable Court; (a) grant summary judgment in favor of Defendant, SOS Children's Villages, Illinois, as to Count III of Plaintiff's Complaint; and (b) grant any other relief deemed just and appropriate.

Dated: May 28, 2020

SOS CHILDREN'S VILLAGES, ILLINOIS

By: /s/ Brittany N. Bermudez
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Marlene Mondragon, a non-attorney, certify this document was served electronically with the United States District of Northern Illinois on May 28, 2020, and all counsel of record was notified via electronic service through the CM/ECF filing system.

/s/Marlene Mondragon
Marlene Mondragon